

# Town of Sabattus Groundwater and Wellhead Protection Ordinance

## **ARTICLE I. GENERAL PROVISIONS**

### **SECTION 1. TITLE**

This Ordinance shall be known and cited as the “Groundwater and Public Wellhead Protection Ordinance” of the Town of Sabattus, Maine.

### **SECTION 2. AUTHORITY**

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, Title 30-A MRSA Section 3001 (Home Rule), Title 30-A MRSA Section 4311 (Growth Management), and Title 22 MRSA 2642 (Protection of Drinking Water Supplies).

### **SECTION 3. PURPOSE**

The purpose of this Ordinance is to protect the public water supply in Sabattus from land uses which pose a threat to the quality and/or quantity of the ground water being extracted from the wells which serve the public water system.

### **SECTION 4. EFFECTIVE DATE**

This Ordinance shall take effect upon its enactment by the Town. Enacted: 5/14/15

### **SECTION 5. APPLICABILITY**

This Ordinance applies to all land uses located or proposed within the Aquifer Protection District defined in Article III, Section 1. The Aquifer Protection District contains Significant Sand and Gravel Aquifers, as identified and mapped by the Maine Geological Survey, and Wellhead Protection Zones identified and mapped by the Maine Drinking Water Program. The official map showing the locations of the Aquifer Protection District shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. An unofficial map is designated as Appendix 1 of this Ordinance.

### **SECTION 6. RELATIONSHIP WITH OTHER ORDINANCES**

Whenever a provision of this ordinance with or is inconsistent with another provision of this ordinance of any other ordinance, regulation, or statute, the more restrictive provision shall control.

## **SECTION 7. VALIDITY AND SEVERABILITY**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

## **SECTION 8. AMENDMENTS**

### **A. Initiation and Procedure**

An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Planning Board has so voted;
2. Request of the Board of selectpersons; or
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last Gubernatorial Election.

### **B. Public Hearing and Water District Notification**

The Planning board shall hold a Public Hearing on any proposed amendment, including amendments proposed by petition.

1. The notice must be posted in the municipal office at least 13 days before the public hearing.
2. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing.
3. Notice must be sent by regular mail to Sabattus Sanitary & Water District.

### **C. Enactment**

A proposed amendment to this ordinance must be approved by a majority vote of the Town Meeting.



## **ARTICLE II. ADMINISTRATION, NON-CONFORMANCE ENFORCEMENT, APPEALS, AND PENALTIES**

### **SECTION 1. ADMINISTERING BODIES AND AGENTS**

#### **A. Code Enforcement Officer**

The Code Enforcement Officer (CEO) of the Town of Sabattus shall administer and enforce this Ordinance. The Code Enforcement Officer shall refer all permit applications requiring Planning Board review to the Planning Board.

#### **B. Planning Board**

The Planning Board of the Town of Sabattus shall review and act upon permit applications as designated under this ordinance.

### **SECTION 2. PERMITS REQUIRED**

After the effective date of this Ordinance, no person shall engage in any land use activity identified in the Land Use Table listed in Article III, Section 2 without a permit under this Ordinance.

### **SECTION 3. NON-CONFORMANCE**

It is the intent of this Ordinance that land use activities conform to the standards of this Ordinance. However, land use activities or uses that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

A Non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided all provisions of this Ordinance except lot area can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

A non-conforming structure is defined as one that does not meet any one or more of the requirements listed in Article III, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**A. Non-conforming Structures****1. Expansion**

A non-conforming structure may not be expanded unless the expansion conforms to all the regulations of the zone in which it is located.

**2. Relocation**

A non-conforming structure may be relocated within the boundaries of the parcel on which it is located provided that the site of relocation conforms to all setback requirement to the greatest practicable extent as determined by the Planning Board, and provided that 1) the applicant demonstrates that the present subsurface wastewater disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system will be installed in compliance with the law and said Rules. In no case may a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the relocation meets the setback to the greatest practicable extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems.

**3. Reconstruction, Replacement**

Any non-conforming structure that is removed, damaged or destroyed may be reconstructed or replaced provided that a permit is obtained within one year of the date of damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the standards established in Article III of this Ordinance.

**B. Non-conforming Use****1. Expansions**

Expansion of any non-conforming use is prohibited.

**2. Discontinuance**

A non-conforming use that is discontinued for a period exceeding one (1) year, or that is changed to conforming use, shall not be allowed to recur.

**SECTION 4. PERMIT APPLICATION**

An Applicant for a permit under this Ordinance shall submit an application in writing to the Planning Board, as designated in the Article III, Section 2, Permitted, Conditional and Prohibited Uses. All applications shall be dated and signed by the owner(s) or lessee(s) of the property or another person with a letter of authorization from the owner(s) or lessee(s). Such signature(s) shall certify that the information in the application is complete and correct.

## **SECTION 5. PLANNING BOARD PERMIT HEARINGS**

Within thirty (30) days of the date of receiving a written application, the Planning Board or CEO shall notify the applicant in writing, either that the application is a complete application or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or CEO shall also notify the Sabattus Sanitary & Water District upon receipt of the proposal and request comments from the District on the proposal.

Once a complete application has been received, the Planning Board shall approve or deny the application, in writing, within thirty (30) days. However, if the Planning Board has a waiting list of applications, such approval or denial shall occur within thirty (30) days of the first available opening on the Planning Board's agenda or, within thirty (30) days of the public hearing(s), if a hearing(s) are held.

Permits shall be approved if the proposed use or structure is found to be in conformance with the provisions of this ordinance. Permits may be made subject to reasonable conditions to insure conformity with provisions of this ordinance. If a permit is either denied or approved with conditions, the reasons shall be stated in writing.

## **SECTION 6. APPLICATION FEE**

An application fee determined by the review requirements must be submitted with a permit application.

## **SECTION 7. INDEPENDENT REVIEW AND ADVICE**

### **A. Professional Services**

The Planning Board may require a fee to pay for the costs of application review. Monies received by the Town from the applicant shall be deposited into a dedicated Escrow Account; the monies shall be made by check payable to the Town of Sabattus, Maine. These funds, or a portion thereof, may be used by the Planning Board at its discretion to pay for services and other expenses directly related to the review of the site plan application.

### **B. Additional Studies**

The Planning Board may require the applicant to undertake any study that it deems reasonable and necessary to determine whether a proposed activity meets the requirements of this Ordinance. The costs of such studies shall be borne by the applicant.

## **SECTION 8. PERFORMANCE GUARANTEES**

The Planning Board may require the applicant to provide performance guarantees for

an amount adequate to cover the total construction costs of all required improvements. Performance guarantees may be made by certified check, payable to the Town, or a savings account naming the Town as owner, for the establishment of an escrow account; by an irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or by a performance bond, payable to the Town, issued by a surety company and acceptable to the Town. The form, time periods, conditions, and amount of performance guarantees shall be determined by the Planning Board.

## **SECTION 9. EXPIRATION OF PERMIT**

Following the issuance of a permit, if construction or use does not commence within one (1) year of the date of the permit, the permit shall lapse and become void. However, the permit may be renewed within six (6) months of the date of expiration, upon application to Planning Board/CEO and the applicant demonstrates that there are no substantial changes in the proposed structure or use and there are no changes to the ordinance.

[NOTE: A permit renewal fee may be assessed by the Planning Board]

## **SECTION 10. ENFORCEMENT AND PENALTIES**

### **A. Inspections and Complaints**

The CEO shall investigate all complaints of alleged violations of this Ordinance, pursuant to 30-A MRSA Section 4452. The CEO may seek technical advice from a representative of the Sanitary & Water District when investigating complaints.

The CEO may also conduct site inspections to ensure compliance with this Ordinance, pursuant to 30-A MSRA Section 4452. During investigations, the Code Enforcement Officer may be accompanied by a representative of the Sanitary & Water District.

### **B. Notice of Violations**

It shall be the duty of the CEO to enforce this ordinance, in accordance with the provisions of this Ordinance and state laws. If the CEO finds that any provision is being violated, the CEO shall notify in writing the person responsible for such violation. The notice shall state the nature of the violation, the Ordinance provision or permit condition violated, and the action necessary to correct the violation. The notice shall inform the recipient of their right to appeal as to the facts supporting the notice by the CEO, pursuant to Article II, Section 11 of this Ordinance. A copy of the notice shall be provided to the Planning Board, Sanitary & Water District, and Selectmen.

### **C. Recordkeeping**

The CEO shall keep a complete record of all transactions relating to the administration and enforcement of this Ordinance, and shall maintain a permanent record of those transactions at the town office. Copies of all permits shall be provided to the , Sanitary & Water District.

**D. Legal Action**

When a person does not correct a violation after receiving notice to do so, the CEO shall notify the Selectmen and the, Sanitary & Water District. The Selectmen, or their authorized agent, may institute all legal and equitable actions necessary to correct the violation and recover fines and costs.

**E. Penalties**

Any person who continues to violate a provision of this Ordinance or condition of a permit after receiving written notice to correct the situation shall be subject to penalties as provided in 30-A MRSA Section 4452.

**SECTION 11. APPEALS****A. Time for Appeal**

Any party aggrieved by a decision or order of the Code Enforcement Officer or Planning Board under this Ordinance may appeal the decision or order concerned within thirty (30) days to the Board of Appeals. Appeals shall be filed on forms to be provided by the Board of Appeals for this purpose.

**B. Parties**

For purposes of this section, the term “party aggrieved” shall be limited to:

1. A permit applicant whose application is denied or granted with conditions.
2. A permit holder whose permit is suspended or revoked by the CEO or Planning Board.
3. A person owning property within an Aquifer Protection District who is adversely affected by a decision or order of the CEO or Planning Board with respect to any property located in the Aquifer Protection District.
4. A person whose use of groundwater as a domestic water supply is adversely affected by a decision or order of the CEO or Planning Board under this Ordinance.
5. The Town of Sabattus, through its municipal officers.
6. The Sabattus Sanitary & Water District.

**C. Decision or Order**

The purposes of this section, the term “decision or order” shall not include failure by the CEO to take enforcement action with respect to a particular person, property or alleged violation, when the enforcement action has been requested by persons or organizations other than the municipal officers.

**D. Type of Review**

An appeal from a decision or order may be taken to the Board of Appeals under this section only where it is alleged that the decision or order concerned is based on an error of law or misinterpretation of this Ordinance. All appeals to the Board of Appeals under this section shall be reviewed by the Board of

Appeals as purely appellate matters, based on the administrative record made by the CEO or Planning Board. No new evidence shall be received or considered by the Board of Appeals as to any matter appealed to the Board of Appeals under this section.

**E. Board's Procedure**

All appeals under this section shall be reviewed and decided by the Board of Appeals within sixty (60) days after receipt of a completed appeals form, unless all parties to the appeal agree to an extension of this time. The Board of Appeals shall conduct a public hearing on any appeal files, at which all parties for that appeal shall be permitted to present written or oral argument and to otherwise express their views. Following close of the public hearing and its deliberations, the Board of Appeals shall vote to grant or deny the appeal. The Board of Appeals shall issue its decision as to any appeal in writing. The Board of Appeals shall have authority to remand the matter to the CEO or Planning Board in appropriate cases. The Board of Appeals may reconsider its decision within thirty (30) days after the original decision date, if a request for reconsideration is received from any party to the appeal in writing within fourteen (14) days after the original decision date. All parties to the appeal shall be afforded a reasonable opportunity to express their views on any reconsideration request. In reviewing a request for reconsideration, the Board of Appeal shall not receive or consider any new evidence.

**F. Appeal to Superior Court.**

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to the Androscoggin County Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.



## **ARTICLE III. LAND USE REQUIREMENTS**

### **SECTION 1. ESTABLISHMENT AND DELINEATION**

For the purposes of this Ordinance, there is hereby established the Aquifer Protection District consisting of three zones: Zone 1 – the immediate recharge area of a well; Zone 2 – the primary recharge area of a well; Zone 3 – significant sand and gravel aquifers. The map delineating the Aquifer Protection District is designated as Appendix 1 of this Ordinance.

Wellhead recharge areas and significant sand and gravel aquifers are defined by standard geologic and hydrologic investigations which may include drilling observation wells, performing pumping tests, water sampling and geologic mapping. New areas identified by any of these methods may be added to this Ordinance by amendment. Due to the limitations of hydrogeological techniques, exact boundaries of aquifers have some uncertainty. Provisions are made for applicants to provide information on the location of the district boundary as pertains to a particular parcel of land or development. The three zones in the Aquifer Protection District are defined as follows:

#### **A. Zone 1: Wellhead Immediate Recharge Area**

Zone 1 extends from each public water supply wellhead to the 200-day groundwater time-of-travel boundary, or as designated by the Maine Drinking Water Program, as shown on the map in Appendix 1.

#### **B. Zone 2: Wellhead Primary Recharge Area**

Zone 2 extends from the outer boundary of Zone 1 to the 2,500-day time-of-travel boundary, or as designated by the Maine Drinking Water Program, as shown on the map in Appendix 1.

#### **C. Zone 3: Significant Sand and Gravel Aquifer**

Zone 3 includes the remainder of the sand and gravel aquifers and aquifer recharge areas. Zone 3 areas may provide secondary, long-term recharge to public water supply wellheads or serve as potential sources of significant quantities of groundwater for future private and public uses. Mapping of these areas coincides with sand and gravel aquifer maps produced by the Maine Geological Survey, and are shown on the map in Appendix 1.

### **SECTION 2. PERMITTED, PLANNING BOARD REVIEW AND APPROVAL, AND PROHIBITED USES**

This section applies to all uses that are listed in the use table in this section or uses having similar characteristics or functions that have the potential to adversely impact groundwater. Activities marked "PB" , shall require Planning Board review and approval, and may be required to meet additional application requirements.

When a proposed use in Aquifer Protection District requires Planning Board approval under Article III, Section 2 of this Ordinance, the Planning Board, may, as a condition of its approval, require the applicant to (1) grant the municipality of the

Sabattus Sanitary & Water District permission to install and maintain groundwater monitoring wells on the applicant's property; or (2) install monitoring wells and implement a groundwater testing and monitoring program approved by the Planning Board, at the applicant's expense.

All applications for Planning Board review and approval in zones 1 and 2 shall be forwarded to the Sabattus Sanitary & Water District at least 14 days prior to the meeting at which they will first appear on the Planning Board's agenda or be discussed by the Planning Board. The Planning Board shall fully consider all comments provided by the Sabattus Sanitary & Water District pertaining to potential impacts the use may have on the groundwater quality or quantity and shall further fully consider all comments concerning the use of best management practices to prevent or mitigate potential impacts.

The Planning Board shall review all listed uses in the aquifer protection overlay district when such uses are newly proposed, expanded, or have been closed for a period of more than 90 days and are re-opening in accordance with the following use table.

Any proposed land use listed below is subject to the requirements of this section and applicable performance standards. Any proposed uses not listed are prohibited.

Key:

P = permitted

NO = not permitted

PB = Planning Board Review and Approval

Uses	Zone 1	Zone 2	Zone 3
<b>CHEMICALS APPLIED TO LAND</b>			
Fertilizer, manure, or pesticide or herbicide spreading or spraying for agriculture	NO	P <sup>2</sup>	P <sup>2</sup>
Fertilizer, pesticide, or herbicide bulk storage for agriculture	NO	PB <sup>2</sup>	PB <sup>2</sup>
<b>CHEMICAL/PETROLEUM STORAGE INCLUDING STORAGE AT OTHER USES</b>			
Chemical bulk storage	NO	NO	PB
Fuel oil storage for distribution (in stationary tanks/containers or vehicles/mobile tanks)	NO	NO	PB <sup>4</sup>
Heating oil storage, consumptive use up to 275 gallons	PB <sup>5,8</sup>	PB <sup>5,8</sup>	PB <sup>5</sup>
Heating oil storage, consumptive use up to 550 gallons	NO	NO	PB <sup>5</sup>
Petroleum product storage either new or used including heating oil above 550 gallons	NO	NO	PB <sup>5</sup>
<b>INDUSTRIAL OPERATIONS INCLUDING SMALL BUSINESSES</b>			

Boat builders, refinishers	NO	PB	PB
Chemical reclamation	NO	NO	PB
Concrete, asphalt, tar, coal companies	NO	NO	PB
Food processors	NO	PB	PB
Furniture strippers	NO	PB	PB
Heat treaters, smelters, annealers, descalers	NO	NO	PB
Industrial manufacturers and demanufacturers <sup>19</sup>	NO	PB	PB
Machine shops	NO	PB	PB
Meat packers, slaughter houses, abattoirs	NO	PB <sup>3</sup>	PB
Metal plating/electroplating	NO	PB	PB
Painters, finishers (stationary)	NO	PB	PB
Photo processors	NO	PB <sup>3</sup>	PB
Printers	NO	PB <sup>3</sup>	PB
Rust-proofers	NO	PB	PB
Open salt or sand/salt piles	NO	NO	NO
Covered salt or sand/salt piles or similar bulk chemicals	NO	PB	PB
Sand and gravel mining; other mining	NO	NO	PB
Small engine repair shops	NO	PB	PB
Wood preserving operations (commercial)	NO	NO	PB
<b>COMMERCIAL AND SERVICE OPERATIONS</b>			
Auto chemical supplies wholesalers	NO	PB	PB
Auto or vehicle repair garage	NO	PB	PB
Auto or vehicle washes	NO	PB <sup>3</sup>	PB <sup>3</sup>
Beauty salons	NO	PB <sup>3</sup>	P <sup>3</sup> /PB

Commercial and services except as otherwise listed	NO	PB <sup>13</sup>	PB <sup>13</sup>
Dry cleaners	NO	PB	PB
Gasoline stations	NO	NO <sup>4</sup>	CPB
Laundromats	NO	P <sup>3</sup>	P <sup>3</sup> /PB
Medical, dental, vet offices	NO	PB <sup>3</sup>	PB
Pesticide, herbicide, wholesalers or retailers	NO	PB	PB
<b>TRANSPORTATION RELATED OPERATIONS</b>			
Pipelines for petroleum products except liquefied petroleum gas	NO	NO <sup>6</sup>	PB
Pipelines—Liquefied petroleum gas	NO	PB	PB
Railroad yards	NO	PB <sup>12</sup>	PB <sup>12</sup>
Private transportation corridors including rail	NO	PB	PB
Truck terminals	NO	PB	PB
Utility corridors	NO	PB	PB
<b>WASTE PROCESSING/STORAGE/DISPOSAL</b>			
Construction sites/demolition activities	C	P	P
Demolition of uses listed in this table	PB	PB	PB
Hazardous or special waste disposal	NO	NO	NO
Industrial waste disposal	NO	NO	NO
Junk, salvage yards (including tire storage), automobile recyclers	NO	NO	NO
Landfills, dumps	NO	NO	NO <sup>14</sup>
Transfer stations and recycling facilities	NO	PB	PB
Sludge utilization	NO	NO	PB
Snow dumps	NO	NO	PB
Storm-water impoundment	NO	PB <sup>9</sup>	PB <sup>9</sup>
Wastewater impoundment areas	NO	NO	PB

Wastewater treatment plants	NO	NO	PB
<b>OTHER</b>			
Abandoned wells <sup>1</sup>	NO	NO	NO
Essential operations of the Sabattus Sanitary & Water District	P	P	P
Feed lots	NO	NO	PB
Golf courses	NO	PB	PB
Graveyards	NO	PB	P
Mobile home parks not on town water and sewer	NO	NO	NO
Nurseries (horticultural)	NO	PB	PB
Parks <sup>7</sup>	PB	PB	PB
Research laboratories	NO	PB <sup>3</sup>	PB
Residential homes	PB <sup>5,8</sup>	P <sup>5,8</sup>	P <sup>5,8</sup>
Subdivisions	PB	PB <sup>5,9,10</sup>	PB <sup>5,9,10</sup>
Groundwater monitoring and remediation <sup>11</sup>	PB <sup>11</sup>	PB <sup>11</sup>	PB <sup>11</sup>

## Notes:

<sup>1</sup> Wells must be abandoned in accordance with the standards established in the State of Maine Well Drillers and Pump Installers Rules, 10-144A CMR 232 § 700.0 et seq.

<sup>2</sup> Existing agricultural operations may continue. Use of state-approved BMP's is encouraged.

<sup>3</sup> If connected to the Sabattus Sanitary & Water District's collection system.

<sup>4</sup> Gasoline stations existing at the time of the adoption of the ordinance may replace storage tanks and piping in accordance with rules promulgated by the Maine Department of Environmental Protection (06-096 CMR 691, 06-096 CMR 692, 06-096 CMR 695 and 06-096 CMR 700) and the State Fire Marshal's Office (016-219 CMR 34).

<sup>5</sup> Must be in accordance with rules promulgated by the State Fire Marshal's Office (016-219 CMR 34) and the Maine Department of Environmental Protection (06-096 CMR 691, 06-096 CMR 692, 06-096 CMR 695 and 06-096 CMR 700).

<sup>6</sup> Existing and approved uses may install above ground petroleum pipelines to transport petroleum products from one location to another on site or to an adjacent complimentary existing or approved use.

<sup>7</sup> Public parks where use of chemical fertilizers, herbicides and pesticides are not used and where the storage of petroleum fuel products are less than 10 gallons do not require special submissions or review beyond a statement of purpose and noting compliance with the requirements herein.

<sup>8</sup> A single family home may be constructed or placed in zone 1 only on a lot legally existing at the time of adoption of this Ordinance, provided it is connected to the public sewer system and provided that the home has a single fuel tank having not more than 275-gallon storage capacity that is double-walled or has a spill storage equivalent to 110% of the tank's volume. Storage of up to 15 gallons (in 3 containers of 5-gallon capacity) of gasoline or similar fuel for home use is allowed as are tanks of gasoline in registered automobiles and yard maintenance equipment to be used on site and in boats, ATVs and snowmobiles for personal use.

<sup>9</sup> Impoundments for storm-water runoff control shall only be used when low impact development techniques for storm-water control are found to be impractical. Low impact development techniques are found in the Maine Department of Environmental Protection's Stormwater Management BMP Manual.

<sup>10</sup> All septic systems shall be designed to ensure a 5 mg/L concentration of nitrate at all property lines.

<sup>11</sup> Includes both surface and ground water with associated soil monitoring and remediation.

- Monitoring and remediation programs existing as of the date of enactment of the ordinance from which this division was derived and mandated by state or federal law may continue as they exist for surface and ground water as well as associated soil monitoring and remediation.
- Plans for any changes to existing remediation activities shall be reported to the Board of Trustees and the town engineer. Changes to remediation activity may be exempt from Planning Board review. Planning Board will not be required if the town engineer, with the concurrence of the Board of Trustees determines that the changes will have no negative material impact beyond the property boundary nor upon the water quality or quantity available to the town water supply. Proposed changes shall be submitted for review and approval.
- The following procedures shall be applied to determine if Planning Board review is required:
- Owner/remediator must simultaneously submit a report of planned activity changes and the expected effect prepared by qualified professional to both the town engineer and to the Board of Trustees. A copy shall also be sent to the Planning Board. The report must make the case for "no material impact beyond the property boundary or upon the water quality or quantity available to the town water supply."
- Within 30 days of receipt of the report, the town engineer and the Board of Trustees must determine the potential material impact on the site and whether peer review is required. If peer review is determined to be appropriate, the town engineer shall immediately seek the services of a qualified professional to provide the review. Such review shall be at the total expense of the remediator/owner. Upon receipt of the peer review report, the town engineer shall immediately forward a copy to the Board of Trustees and the Planning Board. Within 30 days of receipt of the peer review report, the town engineer shall again consult with the Board of Trustees and together, those two entities will decide, whether Planning Board review and approval is required. The town engineer will then promptly notify the owner/remediator and the Planning Board of the decision.
- If no peer review is required, the town engineer and the Board of Trustees shall determine whether the Planning Board review and approval is required. The town engineer will then promptly notify the owner/remediator and Planning Board of the decision.

- It shall be noted herein that if the town engineer and the Board of Trustees cannot mutually agree upon a course of action within the specified time limits of 30 days subsequent to receipt of required reports, (either before or after a peer review) then Planning Board review will be required.
- Decisions of the town engineer and the Board of Trustees shall be formalized in a written document and signed by both entities.
- The requirements under this provision shall not prohibit emergency responses to pollution occurrences and shall not apply to treatment of private drinking water supplies.

<sup>12</sup> Does not include single track sidings where materials handled are in solid form at normal air temperatures.

<sup>13</sup> Planning Board Review and Approval shall apply only to the following. In zone 2, storage of up to 220 gallons of petroleum based products, in containers having a capacity of 55 gallons or less when such products are for a permitted use and are for maintenance of equipment or vehicles. Such products shall be stored indoors on impermeable surfaces and in covered containers located to allow visual inspection for leaks. If product is for use on site, the storage area shall have containment equal to 110% the volume of the total quantity stored. In zone 3, storage shall be in compliance with Department of Environmental Protection (06-096 CMR 691, 06-096 CMR 692, 06-096 CMR 695 and 06-096 CMR 700) and State Fire Marshal's Office Rules (016-219 CMR 34). In Zones 2 and 3, products in 5 (five) gallon or smaller containers may be stored, handled or presented for retail sale. Storage, handling and presentation for wholesale sales and/or distribution of products in 5-gallon or smaller containers when the total quantity exceeds 220 gallons requires containment as described above.

<sup>14</sup> Demanufacturing must comply with applicable conditional use standards and shall be done in an enclosed building.

### SECTION 3. LOT SPECIFICATIONS

#### A. Minimum Lot Size

Areas not served by public sewer:

Zone	Land Area per Dwelling Unit
1	40,000 sq. ft.
2	40,000 sq. ft.

\* Areas served by public sewer have a minimum lot size of 20,000 square feet per dwelling unit.

#### B. Maximum Lot Coverage

For portions of lots within the Aquifer Protection District, the maximum lot coverage that can be covered by impermeable surfaces including parking areas, shall be limited as follows:

Zone	Maximum Lot Coverage
1	30%
2	50%

Notwithstanding other provisions of the ordinance, lot coverage that exists as of the date of adoption of this Ordinance that equal or exceed the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Aquifer Protection District. However, the Planning Board shall not authorize expansion of impermeable surfaces of existing uses if the total coverage of all lot areas located in the Aquifer Protection District is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.

## SECTION 4. APPLICATION REQUIREMENTS

### A. All Applications

All applications for proposed development or regulated expansions of or changes to existing development shall contain the following information. The information shall be required for demolition and construction activity to be undertaken as part of the site work. Where the Planning Board finds that special circumstances of a particular project or the types of improvements proposed will meet the intent and standards of the Ordinance, they may waive certain submittal requirements when such requirements are deemed unnecessary to allow for a positive finding that the standards are met. Any waivers granted by the Planning Board must be noted in the written approvals or on the plan.

#### 1. *Written information:*

- a) Name of development
- b) Owner and applicants' names, addresses; name and addresses of person who prepared the application and/or plan.
- c) Name and address to which correspondence should be sent.
- d) If applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of the Secretary of State's Registration.
- e) A statement of the type of interest the applicant has in any property abutting the parcel to be developed.
- f) A statement on whether the development covers the entire or contiguous holdings of applicant.
- g) The location of property: Map and lot (from assessor's office).
- h) Copy of recorded deed for property; verification of ownership of legal interest.
- i) Written information on the following items including an assessment of potential impacts on groundwater quantity and quality:
  - (i) Soil characteristics including their ability to contain or treat potential pollutants.
  - (ii) Erosion and sediment control plan.



- (iii) Storm-water management plan including methods to protect groundwater from infiltration of potential pollutants.
- (iv) Long term maintenance provisions for the facility including the storm-water management system.
- (v) Design of and calculations for dry wells, storage, retention or detention facilities and other surface water impoundments and outlet structures.
- j) Construction schedule.
- k) Traffic and parking assessment to include information on traffic circulation in order to identify any potential accident locations and information on the parking with particular attention to the size of parking lots and the parking of any vehicles other than passenger cars, SUVs and pick-up trucks.
- l) Amount of consumptive water use.
- m) Hydrogeological assessment indicating groundwater and geological characteristics including potential for contamination, flow paths, and expected concentrations of potential pollutants such as nitrates, chemicals and petroleum products. The report shall assess the potential impacts on groundwater quality and quantity.
- n) Provisions for solid waste handling, storage and disposal.
- o) Provisions for sanitary facilities.
- p) Provisions for petroleum and/or chemical product handling, storage and disposal.
- q) Type of volume of chemical compounds or other potentially hazardous materials handled and/or stored and methods of handling and storage.
- r) An engineering report, as needed, to further define the provisions of this application, including design details and calculations. The report should provide information concerning the construction and operation for handling, storage and disposal of solid waste, sanitary, and petroleum and chemical products and other potentially hazardous materials or materials that may degrade groundwater quality. It shall include provisions to segregate underground systems to insure that there are no cross connections. The report shall include any potential pollutants whether in liquid or solid form.
- s) A report by an industrial engineer or other competent professional detailing:
  - (i) Steps which have been taken to reduce the use of hazardous materials; and
  - (ii) Actions which have been taken to control the amount of wastes generated.
- t) A spill prevention, control and countermeasure (SPCC) plan (or at the discretion of the planning board a similar plan to prevent and clean up spills, leaks, or other actions that have potential to cause groundwater contamination) detailing:
  - (i) Materials and equipment to be available;
  - (ii) A training plan and schedule;
  - (iii) A list of contacts (EPA/DEP/local fire officials) with phone numbers;
  - (iv) An inspection schedule;
  - (v) Provisions to collect chemicals should they enter the drainage system;
  - (vi) Statement of emergency measures which can be implemented for surface drainage systems.
- u) Plans for ice control, use of road salt, and snow removal.

- v) A description of source of water, use of water and final water quality for impoundments proposed as a water supply for irrigation or other consumptive uses.
- w) An evaluation of public/private sewer system capacity and integrity of sewer lines serving the development prepared by a licensed professional engineer or the Sabattus Sewer Department.
- x) A list of necessary state and/or federal permits and date of applications or permits received.
- y) Proposed method of performance guarantee.
- z) Restrictions, conditions, covenants and easements.
- aa) Copies of applications and permits issued to/by Maine Department of Environmental Protection shall be submitted to the planning board and the board of water commissioners.
- bb) Written request for waivers or variances.

**2. *Maps and plan information:***

- a) Outline of development and remaining portion of property at a scale no smaller than 50 feet to the inch; written and graphic date; north point.
- b) Perimeter survey (bearings and distances; surveyor's seal; number of acres; existing and proposed monuments; abutters names).
- c) Lot lines, numbers and sizes; building setback lines.
- d) Zoning boundaries
- e) Existing water bodies, watercourses, wetlands, and other significant natural features including mapped sand and gravel aquifers and wellhead protection areas.
- f) Medium intensity soils maps.
- g) Site plan showing all storage, handling and use areas for raw materials and wastes.
- h) For outside areas, details to contain spills including drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site.
- i) Location of test pits, borings or wells keyed to site evaluator's, soil scientist's and/or geologist's report.
- j) Surface drainage/storm-water management plan.
- k) Soil erosion and sedimentation control features.
- l) Landscaping details.
- m) Locations, dimensions and profiles of underground utilities.
- n) Profile and typical cross-sections of streets and other public works.
- o) For inside areas, details to contain spills including the:
  - (i) Design of dikes around rooms;
  - (ii) The location of floor drains and floor drain outlets;
  - (iii) The location of separators, holding tanks and/or drain outlets.
- p) Exact location and design of tanks, subsurface disposal fields, piping, floor drains, traps, separators and containment structures so that inspection, detection, clean-up or other emergency measures can be accomplished in a timely efficient manner.

- q) The location and design of piping systems for process waters, chemicals and all liquid wastes to insure that inappropriate wastes are *not* discharged and that wastes are discharged to appropriate sewers or treatment systems.
- r) Location/identification of buffers, lots or areas to be restricted.

### 3. *Monitoring Wells:*

The following information is required for all proposed monitoring or observation wells:

- a) Location and construction specifications;
- b) Intended purpose;
- c) Sampling schedule;
- d) Provisions for informing appropriate town body of sampling results.

## SECTION 5. PERFORMANCE STANDARDS

### A. General Provisions

All development located within the Aquifer Protection District shall comply with the Performance Standards established in this section to protect the quality and quantity of the public water supply.

The Planning Board may adopt, by reference, as a part of this section, additional best management practices which have been published by or in conjunction with the Maine Department of Environmental Protection. In so doing, the Planning Board shall hold a public hearing.

- The notice must be posted in the municipal office at least 13 days before the public hearing.
  - The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing.
  - Notice must be sent by regular mail to Sabattus Sanitary & Water District.
1. ***Chemicals, petroleum or other products.*** All facilities handling chemicals, petroleum or other products, whether liquid or solid, that have the potential to contaminate groundwater if leaked, spilled or otherwise released from their storage containers shall maintain a spill prevention, control and countermeasure plan. Depending on the amount and type of materials, plans may vary in complexity. At a minimum the plan shall:
    - a) Provide methods to prevent spills and leaks from occurring;
    - b) Be maintained and updated annually or when materials, processes, storage or disposal processes change;
    - c) Ensure the regular collection and transport of chemicals;
    - d) Provide for inspection of containers and storage areas on a regular basis;
    - e) Ensure adequate materials and equipment are available;
    - f) Ensure that personnel are trained; and

- g) Ensure that the local fire department is knowledgeable of clean-up procedures and firefighting procedures to prevent/reduce groundwater contamination from firefighting operations.

2. *Chemicals, petroleum and waste handling on construction sites.*

- a) The collection and disposal of petroleum products, chemicals and wastes used in construction shall conform to the following:
- b) Collect and store in closed, clearly marked water tight containers; and
- c) Containers shall be removed regularly for disposal to prevent spills and leaks which can occur due to corrosion of containers. A schedule for removal should be contained in the application and in any construction specifications for the project.
- d) Fertilizers and landscaping chemicals such as herbicides and pesticides shall be applied following appropriate best management practices developed by the Maine Department of Agriculture, Conservation and Forestry, Bureau of Agriculture, Food and Rural Resources in conjunction with the Maine Department of Environmental Protection.

3. *Storm water runoff/snow and ice control.*

- a) Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.
- b) Chemicals and wastes shall be stored in such a manner to prevent rainfall from contacting them.
- c) Runoff from parking lots should be diverted to storm-water drains where applicable.
- d) Snowmelt from parking lots should be diverted to storm-water drains.
- e) Parking lots shall be maintained by sweeping on at least an annual basis.
- f) Sand/salt mixtures with a reduced proportion of salt should be used.

4. *Industrial and maintenance operations.*

- a) A plan detailing the reuse, recycling, or proper disposal of waste chemicals shall be maintained, and updated as needed. Provisions shall be provided for implementing the plan.
- b) Buildings, rooms and areas where potential chemical pollutants are used, handled or stored shall be designed to contain spills or leaks.
  - i. Specifically, floor drains shall not be used except as required by fire regulations.
  - ii. A waterproof dike shall be placed around areas to contain accidental spills. The dike shall have a volume equal to 110% of the amount of material stored or used in the room.
- c) Wash waters and other dilute wastes shall be adequately treated consistent with state law and the current pretreatment ordinances.
  - i. Wastes shall be discharged to sewer systems where possible;
  - ii. Grease traps and oil separators shall be installed where necessary and shall be maintained on a regular basis.

5. *Chemical and petroleum handling and storage.*

- a) Nonhazardous chemicals shall be substituted for hazardous varieties whenever possible.
- b) A detailed inventory shall be maintained.
- c) Provisions shall be made to clean up all spills immediately with an absorbent material or other methods and dispose of them properly.

- d) Hazardous materials and petroleum products shall be stored in secure, corrosion resistant containers in accordance with the following:
  - i. A diked, impervious area shall be provided around tanks to contain spills. The volume of diked area shall equal 110% of the volume of product stored.
  - ii. A roof shall be provided over containment areas to prevent collection of rain water.
  - iii. Drains shall not be installed in containment areas.
  - iv. All areas of the storage facility and area shall be readily visible for inspection.
- e) Storage areas shall be located so that all surfaces are visible to inspection.
- f) Covered containment areas shall be vented in accordance with rules promulgated by the office of the State Fire Marshal.
- g) All floors where chemicals or petroleum products are stored or used shall be concrete or an impermeable, hardened material.
- h) Non-bulk storage of chemicals shall be inside. Such storage areas shall comply with the following:
  - i. Floor drains shall not be used unless required by fire regulations;
  - ii. If floor drains are required by the fire regulations, they shall be discharged to a holding tank. Tanks shall be pumped by a licensed oil or hazardous waste hauler, as appropriate. Tanks shall be equipped with gauges to determine used capacity, shall be leak tested each year, and maintained so as to reduce the potential for overflow or leakage.
- i) Tanks shall be equipped with automatic shutoffs or high level alarms.
- j) Spill and leak detection programs shall be maintained and updated annually.
- k) Oil and water separators shall not be used to remove dissolved compounds or oil and greases which had been subjected to detergents. Waste streams shall be separated to avoid such mixing.
- l) Loading areas shall be covered to prevent the mixing of storm-water and spilled chemicals. Concrete or other impermeable pads shall be provided under transfer and handling areas.
- m) Exterior transfer and handling areas shall be sloped as to prevent runoff from other areas from entering the handling area, but to contain small quantities of spilled product.
- n) Procedures shall be established to catch and store chemicals spilled at loading docks and other transfer areas.
- o) Provisions shall be made to periodically inspect and test tanks and lines for leaks.
- p) The facility and equipment shall be designed to:
  - i. Prevent tank overflows; and
  - ii. Prevent line breakage due to collision.
- q) Provisions shall be made to have:
  - i. Emergency diking materials available;
  - ii. Emergency spill cleanup materials available.
- r) Residential storage tanks for home heating fuel shall be located in cellars or on a concrete slab above the ground if outside.
- s) In zone 3, bulk storage of petroleum underground shall be contained in double-walled tanks equipped with continuous electronic monitoring as defined in the Department of Environmental Protection Regulations for Registration, Installation, Operation and Abandonment of Underground Oil Storage Facilities, Chapter 691. Chemicals shall

not be stored underground.

6. *Septic/sewage disposal.*

- a) Sewer/septic systems shall be designed by competent professionals using sound engineering practices. On-site sewage disposal shall be according to the State of Maine Subsurface Wastewater Disposal Rules.
- b) Construction of sewers and septic systems shall be inspected to insure proper installation.
- c) Septic systems and related piping shall be tested for leakage and certified by the Local Plumbing Inspector that they are water tight prior to use. Sewer systems shall be tested for leakage.
- d) Provisions shall be made to maintain sewer and septic systems.
- e) Sewers and drainage systems shall be designed to insure that storm-water does not enter sanitary sewers.
- f) For cluster systems, 1,000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for any single leach-field shall be less than 2,500 gallons per day.
- g) Chemicals, industrial wastes, floor drains and storm-water drains (i.e., roof drains) shall not be discharged to septic systems.

7. *Waste disposal handling.*

- a) Inert fill.
  - i. Waste disposal areas shall be setback 75 feet from wetlands as defined in the Maine Natural Resources Protection Act (NRPA). Wastes shall be placed a minimum of 2 feet above the seasonal high ground water table.
  - ii. For wastes other than concrete, stone and brick, documentation from a laboratory that wastes are inert shall be provided.
- b) Transfer station/recycling facilities (other than Town of Sabattus facilities):
  - i. All storage areas shall be located a minimum of 5 feet above the seasonal high ground water table;
  - ii. Sanitary wastes shall be disposed into a public sewer or in accordance with the State of Maine Subsurface Disposal Rules;
  - iii. If water clean-up of facilities is used, it shall be discharged to a public sanitary sewer. If no public sanitary sewer is available, dry clean-up procedures shall be used;
  - iv. Gravel, asphalt, or concrete pads or steel or aluminum containers shall be used for storage facilities for white goods and tires;
  - v. Facilities shall not be located in 100-year floodplain;
  - vi. An operating manual shall insure that only nonhazardous municipal solid waste is accepted;
  - vii. For recycling facilities, an operating manual shall insure that only clean, marketable recyclables are collected; and
  - viii. For recycling facilities, storage of residuals shall be accomplished to prevent spillage and leakage.
- c) Municipal, commercial, industrial and other special wastes.
  - i. All handling, storage and transfer shall comply with Department of Environmental Protection rules.
  - ii. Storage and transfer areas shall comply with the management practices listed in above.
- d) Junkyards/metal processing.
  - i. Fluids shall be removed in a secure area and stored for appropriate disposal.
  - ii. Fluids shall be disposed in accordance with state and federal



- laws.
- iii. Records shall be maintained to indicate the quantities of fluids handled.

8. *Sand and gravel mining.*

- a) Limit depth of excavation.
  - i. Excavation shall be limited to 5 feet above the seasonal high water table.
  - ii. If water supply wells are present within 500 feet of the proposed excavation, ground water level monitoring wells shall be installed.
- b) Haul roads shall be watered to control dust. Salting and oiling of roads is prohibited.
- c) Petroleum storage.
  - i. Petroleum products shall not be stored in the pit.
  - ii. A spill prevention plan shall be maintained and updated.
  - iii. A reclamation plan shall be provided, maintained and used.
- d) A approved spill prevention kit shall be located on site and shall be readily accessible in the event of a spill.

9. *Agriculture/open space/power lines.*

- a) Soil tests shall be used to determine proper amount of nutrients and limestone (pH adjustment).
- b) Nutrients shall be applied uniformly and only at levels required.
- c) Split fertilizer applications should be used for new planting, where possible.
- d) A slow release form of fertilizer should be used, where possible.
- e) Nutrients shall not be applied to soils having depths to bedrock of less than 8 inches or to exposed bedrock.
- f) Chemical fertilizer application equipment shall be calibrated.
- g) Irrigation shall be scheduled to minimize leaching potential.
- h) Limit applications of nitrogen fertilizers to the spring or fall.
- i) Nutrients shall not be applied during winter months when ground is frozen or snow covered.
- j) Fertilizers and manure shall be stored in properly located and constructed facilities during periods when application is not suitable.
- k) All federal and state laws regulating pesticides shall be followed.
- l) Material safety data sheets shall be kept accessible.
- m) Application of fertilizers and pesticides shall be accomplished by certified applicators or farmers applying it to their own land or land that they lease.
- n) Secure, safe storage shall be provided for used pesticide containers and dispose of containers in accordance from federal and state law.

10. *Silvicultural chemical handling and storage.*

- a) The spillage or disposal of oils, fuels, coolants or hazardous wastes on the ground during maintenance or repair is not allowed. Collection and appropriate disposal of such substances shall take place.
- b) The BMPs for chemical use and storage shall be followed.
- c) The BMPs for waste disposal shall be followed.
- d) Salt/sand storage areas shall be covered

## **SECTION 6. CONTROL OF EXISTING THREATS**

### **A. Inspection**

The CEO shall also have the right to inspect any property located in the Aquifer Protection District, except building interiors, at reasonable hours, without landowner permission, as provided in 30-A MRSA section 4452, for the purpose of determining compliance with this ordinance or any permit issued hereunder. The CEO may be accompanied by a representative of the Water District. In the event the landowner denies or prevents access for this purpose, the CEO shall be authorized to apply for an administrative site inspection warrant pursuant to Rule 80E, Maine Rules of Civil Procedure.

### **B. Monitoring**

Whenever the CEO finds that a use existing as of the date of adoption of this ordinance, including but not limited to uses of the types identified in Article III, Section 2 of this Ordinance, is located within the Aquifer Protection District designated by this Ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the Planning Board may order the property owner to grant permission for installation, or to install, groundwater monitoring wells and to conduct testing as provided in subsection (1) above. Installation of monitoring wells and testing and monitoring of groundwater in such cases shall be at the sole cost of the applicant.

### **C. Enforcement**

If any use causes or contributes to a reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water standards, the CEO may require the owner of the property on which the contaminating use occurs to cease activity, install or construct mechanisms, or enact appropriate procedures to reduce the contamination.



## **ARTICLE IV. DEFINITIONS**

[NOTE: The following are only suggested definitions. The list should be reflect terms used within existing language]

### **Agriculture**

The cultivation of soil, producing or raising crops, including gardening, horticulture, and silviculture, as a commercial operation. The term shall also include greenhouse, orchards, nurseries, and versions thereof, but shall not include home gardens.

### **Aquifer**

A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

### **Best Management Practice**

Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine departments of Agriculture, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J.

### **Board**

Refers to the Town of Sabattus Planning Board.

### **Chemical Bulk Storage**

Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

### **Code Enforcement Officer**

A person appointed by the municipal officers to administer and enforce this Ordinance.

### **Commercial**

Any activity carried out for pecuniary gain

### **Conforming**

A building, structure, activity or land use which complies with the provisions of this ordinance.

### **Construction**

Includes building, erecting, moving or any physical operations on the premises which are required for construction. Excavating, filing, paving and the like shall be considered part of construction.

### **Construction and Commercial Equipment & Vehicle Storage**

Storage of construction equipment or other commercial vehicles in excess of thirty (30) consecutive days in which the equipment is not used.

**Construction/Demolition**

Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

**Developed Area**

“Disturbed area” (see definition below) excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of the disturbance.

**Discontinuance**

The transition from a non-conforming use to a conforming use, or the cessation of a non-conforming use for a period exceeding one (1) year.

**Disturbed Area**

All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed area does not include routine maintenance, but does include re- development and new impervious area.

**Drinking Water Standards, Primary and Secondary**

Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Human Services.

**Dump** (see landfill)

**Excavation** (see construction)

**Fill** (see construction)

**Floor Drain**

An opening in the floor that leads to the ground and/or is not permitted under other State, Federal, or local regulations. Work sinks which lead to such drains are included.

**Fuel Oil Distributor, Fuel Oil Storage**

The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

**Gas Station, Service Station**

Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

**Ground water**

The water contained within the interconnected pores, cracks or fractures located

below the water table of a confined or unconfined aquifer.

**Hazardous Material**

Any gaseous, liquid or solid materials or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Hazardous Waste**

Any substance identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

**Horticulture** (see agricultural)

**Impervious Area**

The total area of a parcel that consist of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce permeability.

**Industrial**

Any activity which includes the assembling, fabrication, servicing, manufacturing, storage, packaging, processing or shipping of goods, or the extraction of minerals.

**Industrial Waste**

Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

**Inert Fill**

Material placed on or into the ground as fill that will not react chemically with soil, geologic material, or groundwater.

**Infiltration**

Any process specifically used to meet all or part of the stormwater standard of this chapter by actively directing all or part of the stormwater into the soil. Infiltration is the process by which runoff percolates through the unsaturated overburden and fractured bedrock to the water table. For the purposes of this ordinance, infiltration does not include:

1. Incidental wetting of soil in ditches, detention basins or the equivalent;
  2. Wetting of underdrained basins, dry swales or similar filtration systems;
  3. Wetting of buffers meeting the performance standards of this ordinance.
- Discharge of runoff to areas of the site where the water will collect and percolate into

the ground is considered infiltration if the volume, rate or quality of the discharge exceeds the runoff capacity of the area, such as a stormwater treatment buffer. Underdrained swales, underdrained ponds and similar practices that discharge to surface waters or to buffer strips meeting the requirements of this ordinance are not considered infiltration systems, although these may be used to treat runoff prior to discharge to an infiltration area.

**Integrated Pest Management Plan (IPM)**

Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis

**Intensive Open Space Uses**

Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle race tracks or ranges, etc.

**Landfill**

An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

**Landscaped Area**

An area of land that has been disturbed and re-planted or covered with one or more of the following: Lawn or other herbaceous plants, shrubs, trees or mulch; but including area that has reverted to natural, vegetated condition.

**Mining or Mineral Extraction**

The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic, ores, rock, peat, or other like material from its natural location and transportation of the product removed away from the extraction site.

**Nursery** (see agriculture)**Open Space**

Land that is free of buildings and other permanent structures.

**Park**

Land area set aside for public recreation, conservation, wildlife, or other similar purpose.

**Paving** (see construction)

**Pesticide, Herbicide Bulk Storage**

Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included.

**Petroleum**

A complex mixture of hydrocarbons with small amounts of other substances, and their by-products of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other nonhazardous waste, crude oils and all other liquid hydrocarbons regardless of specific gravity.

**Road**

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

**Salt or Sand/Sale Piles (uncovered)**

Storage of any amount of salt or sand/salt mix, for any purpose, without a rood or other structure capable of preventing precipitation from reaching the salt or sand/salt.

**Silviculture** (see agriculture)

**Sludge**

Residual material produces by water or sewer treatment processes, industrial processes, or domestic septic tanks.

**Sludge Utilization**

The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

**Snow Dump**

A location to which snow is transported and dumped by commercial, municipal, of State snow-plowing operations.

**Solid Waste**

Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

**SPCC Plan**

Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

**Stormwater Drainage**

A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but

excluding sanitary sewage and industrial waste.

**Stormwater Impoundment**

Any structure designed and constructed to contain stormwater runoff.

**Subdivision**

A subdivision shall mean the division of a tract of parcel of land as defined in Title 30A, M.R.S.A., section 4401. The term subdivision shall also include such developments as mobile home parks, multiple-family dwelling(s), shopping centers, condominiums, and industrial parks where there are three or more units involved.

**Subsurface Injection** (see subsurface wastewater disposal)

**Subsurface Wastewater Disposal System**

A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s) surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA section 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection 1-A, or any public sewer, sewerage system, or wastewater treatment plant.

**Timber Harvesting**

The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery.

**Transfer Station; Recycling Facility**

Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

**Utility Corridor**

Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc.

**Underground Storage Tank**

As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

**Waste Disposal, Industrial/Commercial**

(See Industrial waste)

**Wastewater**

Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

**Wastewater Treatment Plant**

Any arrangement of devices and structures used for treating wastewater.

**Watershed**

Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

**Wellhead**

The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

**Wellhead Protection Area**

Zone 1 and Zone 2 delineated according to Article III, Section 1 of this Ordinance.

**Well, Abandoned**

A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring of groundwater that has not been used for a period to two consecutive years.

**Well, Existing or New**

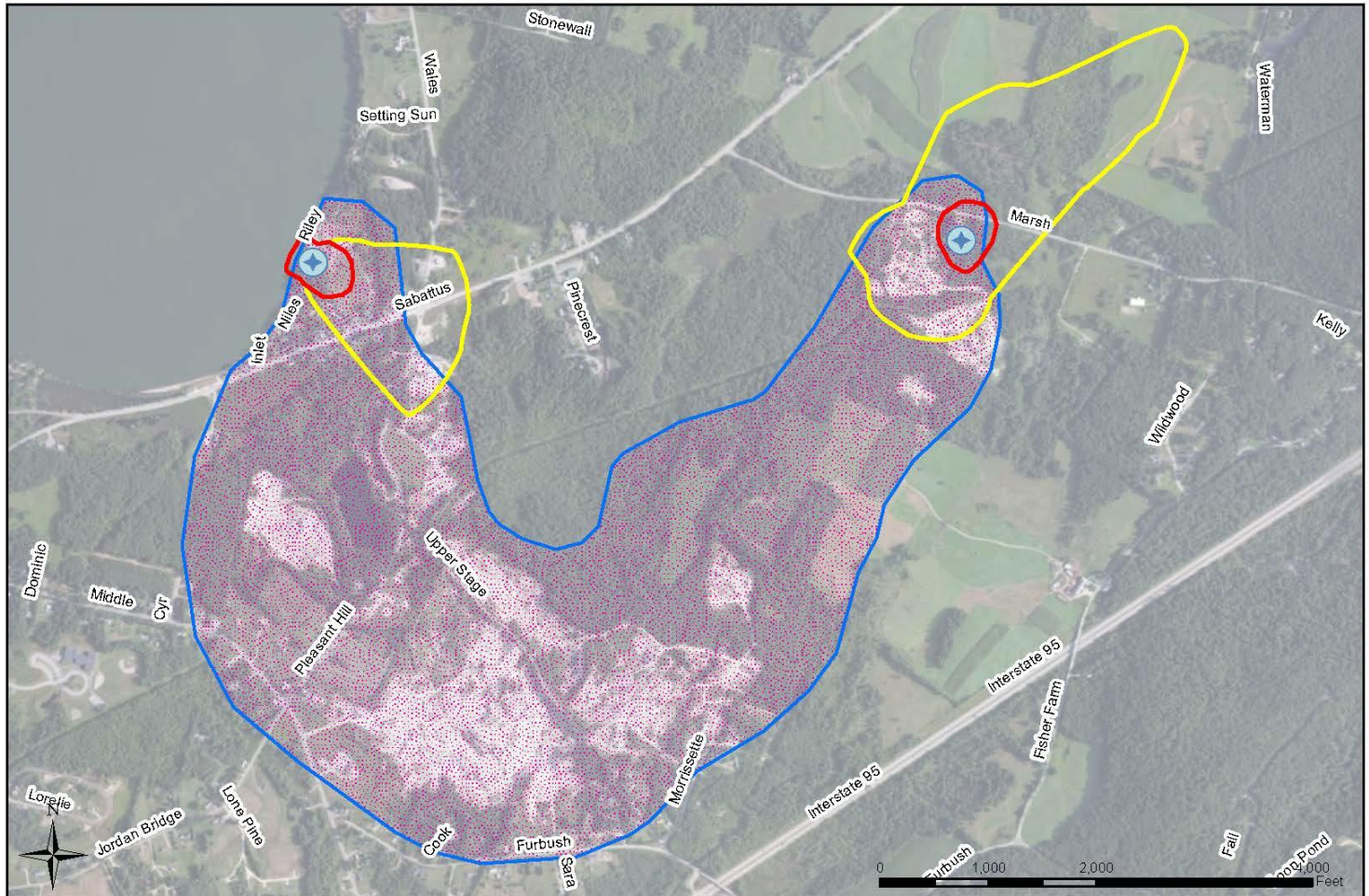
A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater.

**Zone of Contribution**

The area from which groundwater flows to a pumping well.



## Appendix 1. Aquifer Protection District Delineation



### Town of Sabattus Official Aquifer Protection District Zoning Map

#### Legend

-  Public Water Supply Well
-  Zone 1
-  Zone 2
-  Zone 3

Notes:  
 -Zones 1 & 2 were modeled by the Maine DWP (WELLMODELS), accessed from MEGIS, <http://www.maine.gov/megis/catalog/indexaz.shtml>  
 -Zone 3 is the Significant Sand & Gravel Aquifer (Aquifer polygons) mapped by Maine Geological Survey, accessed from MEGIS, <http://www.maine.gov/megis/catalog/indexaz.shtml>

Date Adopted: \_\_\_\_\_  
 Approved by: \_\_\_\_\_